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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/014,701      | 11/07/2001  | Kevin Minerley       | POU920010053US1     | 5205             |

7590  
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12/21/2004

EXAMINER

CHAVIS, JOHN Q

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2124

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/014,701

Applicant(s)

MINERLEY, KEVIN

Examiner

John Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>110701</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Preston (2003/0046061).

What is claimed is:

1. A method for matching customer requirements communicated from a customer to a corresponding software design, the method comprising:

Preston

See sect. 0002.

gathering the customer requirements communicated from the customer;

See sect. 0009 and sect. 0049.

generating a machine-readable transcript of the customer requirements;

See sect. 0006.

running a lexical analysis of said machine-readable transcript, said lexical analysis thereby generating an output therefrom, said output including one or more diagrammed sentences;

See fig. 8

mapping said output of said lexical analysis into object-oriented constructs; and

see sect. 0057-0058.

creating a high-level language design from an output of said mapping.

2. The method of claim 1, wherein:  
the customer requirements are  
communicated orally; and  
said machine-readable transcript of the  
customer requirements is generated  
with voice recognition software.

see sects. 0064-0066. The natural  
language referenced is considered  
to suffice for both the verbal and  
written forms.

3. The method of claim 1, wherein:  
the customer requirements are  
communicated in writing; and  
said machine-readable transcript of the  
customer requirements is generated  
with optical character recognition software.

See the rejection of claim 2.

4. The method of claim 1, wherein said  
machine-readable transcript of the  
customer requirements is generated from  
a computer file.

see sect. 0075 in which it is  
understood that input is  
translated into a file.

5. The method of claim 1, wherein said  
mapping said output of said lexical  
analysis into object-oriented constructs  
further comprises:  
mapping nouns from said lexical analysis  
to objects; and

see sects. 0083 and 0092-0093.

mapping verbs from said lexical analysis  
to process flows between said objects.

“ “ “ “ “  
“ “ “ “ “

6. The method of claim 5, wherein said  
mapping said output of said lexical  
analysis into object-oriented constructs  
further comprises:  
mapping pronouns from said lexical  
analysis to said nouns antecedent thereto;

See again sect. 0092 and sects.  
0036-0039.

mapping adjectives from said lexical  
analysis to said nouns; and

“ “ “  
“ “ “

mapping prepositions from said process  
flows between said objects.

“ “ “

7. The method of claim 1, wherein said

see sect. 0064 and 0075.

high-level language design is created in a language selected from the group consisting of C++, Java, and ADA

103 rejection

8. The method of claim 1, further comprising:  
implementing a first-order predicate calculus analysis of said machine-readable transcript, said first-order predicate calculus used for additional mapping into said object-oriented constructs.

Preston does not specifically indicate that his system utilizes a first order predicate calculus analysis; however, his system provides similar results, as indicated above. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize any function which provides desired results. Therefore, the selection is considered merely a choice of design.

Furthermore, it is not clear in the specifications where the feature is taught by the applicant. Therefore, the feature is considered a selection and use (design choice) of a known method, which would have clearly been available to a person of ordinary skill in the art at the time of invention.

The features of claims 9-16 and 17-24 are taught via claims 1-8 above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 571-3720. The examiner can normally be reached on M-Tue & Th-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 571-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2124

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Chavis  
Primary Examiner AU-2124